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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,667	12/28/2001	Antonio J. Colmenarez	US010716	1829

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EXAMINER

LEUNG, CHRISTINA Y

ART UNIT PAPER NUMBER

2633

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/034,667

Applicant(s)

COLMENAREZ ET AL

Examiner

Christina Y. Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 7-11, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-28-01; 5-15-02; 5-6-03
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 04 April 2002. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shintani (US 5,646,608 A).

Regarding claim 1, Shintani discloses a remote (Figures 3 and 5) that is capable of controlling a number of devices, the remote acquiring identification data from a particular device at which it is pointed (column 4, lines 21-24 and lines 47-51), processing the data to determine command protocols associated with the particular device (column 5, lines 1-38), and formatting control commands for the particular device input to the remote by a user according to the command protocols associated with the particular device (column 4, lines 51-52; column 7, lines 12-24).

Regarding claim 2, Shintani discloses that the remote acquires identification data from the particular device at which it is pointed by receiving a signal emitted from the device at which it is pointed (column 2, lines 21-30).

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Regarding claim 3, Shintani discloses that the remote comprises a sensor (light detector 51R) that detects the signal emitted by the particular device in a narrow field of view about the direction in which the remote is pointed.

Regarding claim 4, Shintani discloses that the signal is an IR signal that includes the appliance code of the particular device (column 4, lines 30-34 and lines 47-51).

Regarding claim 5, Shintani discloses that the remote comprises an IR sensor (light detector 51R) that detects IR signals in a narrow field of view about the direction in which the remote is pointed.

Regarding claim 6, Shintani discloses that the remote comprises a database (in ROM 72) that comprises identification data of the number of devices and their associated command protocols, the remote using the identification data of the particular device to determine the command protocols associated with the particular device (column 4, lines 35-43; column 5, lines 16-27).

Regarding claim 13, Shintani discloses that the remote acquires identification data from two or more particular devices at which it is pointed, the remote processing the identification data and displaying the identity of the two or more particular devices to the user (column 5, lines 36-46), the user providing a selection input to the remote selecting one of the two or more particular devices identified, the remote determining command protocols associated with the selected device and formatting control commands for the selected particular device input to the remote by the user according to the command protocols associated with the selected particular device (column 6, lines 17-39).

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Regarding claim 14, Shintani discloses a method for controlling one particular device selected from among a number of devices based upon a selection direction, the method comprising the steps of:

acquiring identification data from the particular device (column 4, lines 21-24 and lines 47-51),

determining command protocols associated with the particular device using the identification data (column 5, lines 1-38), and

formatting control commands for the particular device according to the determined command protocols for the particular device (column 4, lines 51-52; column 7, lines 12-24).

Regarding claim 15, Shintani discloses that the step of acquiring identification data from the particular device comprises receiving (using light detector 51R) an IR signal containing the appliance code transmitted from the particular device (column 4, lines 30-34 and lines 47-51).

Regarding claim 16, Shintani discloses that the step of determining command protocols associated with the particular device using the identification data comprises using the appliance code included in the IR signal to consult a compilation of appliance codes for the number of devices (in ROM 72) and their associated command protocols and selecting the command protocols associated in the compilation with the appliance code of the particular device (column 4, lines 35-43; column 5, lines 16-27).

4. Claims 1-6, 12, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitao et al. (US 6,160,491 A).

Regarding claim 1, Kitao et al. disclose a remote that is capable of controlling a number of devices (Figure 1), the remote acquiring identification data from a particular device at which it

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is pointed (column 4, lines 35-43), processing the data to determine command protocols associated with the particular device (column 4, lines 55-65), and formatting control commands for the particular device input to the remote by a user according to the command protocols associated with the particular device (column 5, lines 1-13).

Regarding claim 2, Kitao et al. disclose that the remote acquires identification data from the particular device at which it is pointed by receiving a signal emitted from the device at which it is pointed (column 4, lines 35-65).

Regarding claim 3, Kitao et al. disclose that the remote comprises a sensor (receiver 105) that detects the signal emitted by the particular device in a narrow field of view about the direction in which the remote is pointed (column 5, lines 14-32).

Regarding claim 4, Kitao et al. disclose that the signal is an IR signal that includes the appliance code of the particular device (column 4, lines 35-65).

Regarding claim 5, Kitao et al. disclose that the remote comprises an IR sensor that detects IR signals in a narrow field of view about the direction in which the remote is pointed (column 4, lines 35-65).

Regarding claim 6, Kitao et al. disclose that the remote comprises a database that comprises identification data of the number of devices and their associated command protocols, the remote using the identification data of the particular device to determine the command protocols associated with the particular device (column 4, lines 59-65).

Regarding claim 12, Kitao et al. disclose that the remote acquires identification data from the particular device at which it is pointed after the user inputs an acquisition command (i.e., a “trigger signal”) in the remote (column 4, lines 35-43), wherein, after processing the

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identification data acquired to determine command protocols associated with the particular device, the remote formats control commands for the particular device input to the remote by the user according to the command protocols associated with the particular device until the user inputs another acquisition command (column 4, lines 59-65; column 5, lines 14-31).

Regarding claim 14, Kitao et al. disclose a method for controlling one particular device selected from among a number of devices based upon a selection direction (Figure 1), the method comprising the steps of:

acquiring identification data from the particular device (column 4, lines 35-43),  
determining command protocols associated with the particular device using the  
identification data (column 4, lines 55-65), and

formatting control commands for the particular device according to the determined  
command protocols for the particular device (column 5, lines 1-13).

Regarding claim 15, Kitao et al. disclose that the step of acquiring identification data from the particular device comprises receiving an IR signal containing the appliance code transmitted from the particular device (column 4, lines 35-65).

Regarding claim 16, Kitao et al. disclose that the step of determining command protocols associated with the particular device using the identification data comprises using the appliance code included in the IR signal to consult a compilation of appliance codes for the number of devices and their associated command protocols and selecting the command protocols associated in the compilation with the appliance code of the particular device (column 4, lines 59-65).

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***Allowable Subject Matter***

5. Claims 7-11, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art, including Shintani and Kitao et al., does not specifically disclose or fairly suggest an apparatus or method for controlling a device including all the elements, steps, and limitations recited in claims 7-11, 17, or 18 (and including all the limitations of their respective parent claims), particularly wherein the identification data (that is processed to determine command protocols as recited) is acquired from a particular device by capturing at least one image of the particular device.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Y. Leung whose telephone number is 571-272-3023.

The examiner can normally be reached on Monday to Friday, 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

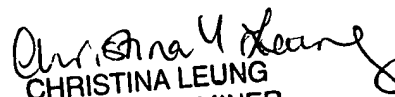
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications



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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CHRISTINA LEUNG  
PRIMARY EXAMINER